W.P. 1004 (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO.4698 /2004

PETITIONER

P.R. No. 4730/04
Presented by Shri T.R. Tiwari adv
dated 03.12.04

Smt Aisha Begum, wife of Shri Rahmat Ali, aged about 38 years, resident of Shanti Nagar, Ward No.4, Rajnandgaon (C.G.)

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Revenue, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

Received a copy
3/12/04
Clerk to A.G. Bilaspur

2. The Collector (Election Officer), Rajnandgaon (CG)

3. The Tahsildar, District – Rajnandgaon (C.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER / ORDERS, DIRECTION / DIRECTIONS.

(34) (34) (35)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 4698/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

8-12-2004

Shri T.K.Tiwari, counsel for the petitioner.
Shri Pramod Verma, Additional Advocate General for the respondents/State.

Heard on I.A.No.9343/2004 for exemption from filing typed copy of the documents. Learned Additional Advocate General for the State has no objection. Considered. I.A. allowed.

Also heard on admission and M.(W.)P.No.4992/2004 for interim relief.

The petitioner Smt.Aisha Begum submitted nomination form for the post of Mayor and Member of Municipal Corporation, Rajnandgaon against reserved seat for Other Backward Classes on the ground that she, being Momin Julaha, comes under Other Backward Classes. Her nomination was rejected by the Returning Officer on the ground that she does not belong to Other Backward Classes. The petitioner, along with her petition, has submitted various documents which show that she married to Shri Rahmat Ali, a Muslim, who was Momin Julaha by caste, and earlier to her marriage, she was following Christian Religion. Nowhere in the petition it has been narrated that what was the petitioner's caste before her marriage, but during arguments, learned counsel for the petitioner specifically stated that, earlier to her marriage, Smt. Aisha Begum was Teli by caste.

(35) (35) (36)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No.4698/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Petitioner has also challenged the order passed by Tahsildar, Rajnandgaon dated 25-10-2004, whereby petitioner's prayer, for declaring herself to be Momin Julaha by caste, has been rejected. That order also does not appear to be perverse or illegal because petitioner herself has admitted that she was not Momin Julaha by caste, but her husband Shri Rahmat Ali is Momin Julaha by caste. Taking into account the facts that, petitioner was not Momin Julaha by caste, rejection of her nomination as also rejection of her application for caste certificate *prima facie* do not appear to be irregular or illegal, which may call for an interference by this Court under its writ jurisdiction. Learned counsel for the petitioner relied on Gayatrilaxmi Bapurao Nagpure vs. State of Maharashtra and others, AIR 1996 Supreme Court 1338, but the case law is distinguishable on the facts of the present case. The petition, filed under Articles 226/227 of the Constitution, is liable to be dismissed and is accordingly dismissed summarily.	

(36) (36) (37)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 4698/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	In the light of above orders, M.(W.)P.No.4992/2004 for interim relief and I.A.No.9342/2004 for urgent hearing stand disposed of. **Sd/-** **V.K.Shrivastava** **Judge**	

G.Singh